

**THE SEWER BOARD OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE 3<sup>RD</sup> FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING, NEW ALBANY, INDIANA ON TUESDAY, FEBRUARY 7, 2006 AT 3:30 P.M.**

**PRESENT:** Chairman Mayor James Garner, Vice Chairman Bill Utz, Mark Seabrook, Todd Solomon and Larry Kochert.

**OTHERS:** Attorney Greg Fifer, Rob Sartell and Brian Dixon, EMC, Tina Haley, Sewer Billing Manager Kelly Welsh and City Clerk Marcey Wisman.

**CALL TO ORDER:**

**Mayor Garner called the meeting to order at 3:32 p.m.**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Solomon moved to approve the January 17<sup>th</sup> meeting minutes, Mr. Seabrook second, all voted in favor.**

**Mr. Fifer stated** that the minutes of January 3 needed to be amended to better reflect his advice to the Board regarding what conditions they could use for not accepting ADM's bid for the bar screen project. He has written the changes out for the clerk.

**Mr. Seabrook moved to approve the amendment, Mr. Solomon second, all voted in favor.**

**COMMUNICATIONS - PUBLIC:**

**Susan Johnson** stated that at the last meeting they said that the two oxidation ditches have the capacity for \_\_\_\_\_ gallons a day and she wanted to know when they use the third ditch.

**Mr. Sartell** stated that they have to use the third when there is a rain event of approximately 1.5 inches and that they have to turn it on manually.

**There was a lengthy discussion as to the regulations for the amount of discharge the plant can have and that they do not have to use the third ditch daily if they are properly discharging.**

**Mrs. Johnson** asked if we know anything more about when we will receive sewer credits.

**Mr. Fifer** reported that Congressman Sodrel's office informed him that we will receive something in writing this week.

**Mrs. Johnson** asked if they have any news on Georgetown.

**Mayor Garner** stated that they have a meeting scheduled in two weeks.

**Mrs. Johnson** asked about a basement back-up in Briarwood and whether or not the tort came before the board.

**Mr. Sartel** told her that all tort claims have come before this board.

**There was a lengthy discussion regarding how tort claims are handled.**

**Marty Bachman, Mur De Ronce**, would like to request that credits be transferred from

one project to the Blackberry Ridge project.

**Mr. Seabrook** asked if Blackberry Ridge was hooked to the system yet.

**Mr. Bachman** stated that they are going to mediation with the individuals for the easement to hook up. He believes that it will be another three months.

**There was a lengthy discussion regarding what Mr. Bachman will need to do in order to hook onto the system in way of permits and inspections and whether the main line will have the capacity for the houses that will be hooked to the line.**

**Mr. Solomon moved to approve the transfer of credits, Mr. Seabrook second, all voted in favor.**

### **COMMUNICATIONS - CITY OFFICIALS**

**Adam Dickey** presented a plat for Mark Winternheimer that needs to be signed by the board. He also presented two new plats for Reflection Ridge showing the patio homes connecting to the existing sewer line.

**Mr. Seabrook** stated that the council asked for the formation of the Stormwater Drainage Board and suggested that the Mayor have Chad McCormick give some recommendations as to how that board should be set up and the members chosen.

### **SEWER ADJUSTMENTS:**

#### **Item #1 - Kelly Welsh re: sewer adjustment requests**

**1. James Ray**, 3032 Shagbark Trail, Ms. Welsh stated that it isn't a hydrant as in a fire hydrant, but that it is an old water pump.

**Mr. Seabrook moved to approve, Mr. Solomon second, all voted in favor.**

**2. Debbie Rogers**, 3073 Cobblers Crossing, request adjustment for a leak in his main water line in the amount of \$217.70. Ms. Welsh stated she does have verification from the water company that there was a leak and that the problem is fixed and her usage is back to normal.

**Mr. Solomon** stated that she has an outstanding balance of \$428.00.

**Mr. Fifer** stated that the policy has been in the past that if a person pays their account current within 30 days we will approve the credit.

**Mr. Solomon motioned to approve the adjustment of \$428.00 pending Ms. Rogers brings her account current, Mr. Kochert second, all voted in favor.**

**Mrs. Welsh** presented a letter from Mr. Fifer to IN-AWC informing them that the city will be doing their own billing for Silver Creek and Borden Tri-County.

**Mr. Seabrook** asked if they have started billing yet.

**Mrs. Welsh** reported that Monday an agent from Keystone came in and helped her office prepare the first billing statements and that they have been sent on to M & D Mailmasters to be sent.

**Mrs. Welsh** also presented a claim sent in from DSD for the quarterly payment on the 10" line and wanted to know how she was suppose to handle these claims.

**Mr. Fifer** stated that they should be paid on or about March 1. He asked Mrs. Welsh to make four copies of the invoice and turn one in for each quarterly payment.

**Mr. Kochert moved to approve the claim for the quarterly payments, Mr. Seabrook second, all voted in favor**

**Mrs. Welsh** presented a memo from City Attorney Shane Gibson setting out the Sewer Tort claim process. She also presented a claim from Mattox, Mattox and Wilson in the amount of \$1836.23 for work done on the Fox/Cotner lawsuit.

**Mr. Seabrook moved to approve the claim, Mr. Kochert second, all voted in favor.**

**OLD BUSINESS:**

**Item #1 - Mayor Garner re: CSX Sewer Easement Contracts**

**Mayor Garner** stated that these have been taken care of.

**NEW BUSINESS:**

**Item #1 - Ron Judd, Habitat for Humanity, re: sewer tap waivers on Cottom Avenue**

**Mr. Judd** asked for a waiver of sewer tap fees at 807 and 809 Cottom and also asked if the board would set a policy to waive sewer fees for non-profit housing in the downtown area.

**Mr. Solomon** stated that he believes that because of the financial position of the utility they cannot at this time give any tap-fee exemptions.

**The board all agreed with Mr. Solomon.**

**Item #2 - Charles Murphy for Wanda Clark, Kids Club**

**Mr. Murphy was not present.**

**Item #3 - Rob Sartell re: Tort Claims**

**1. Larry and Barbara Bilbery**, had a back up in the main sewer line and suffered damage to their basement. They had the basement sanitized and would like the cost of \$1552.66 reimbursed to them. They do not have the money to replace the carpet but they submitted an estimate for the replacement of carpet of \$2300.00. They would like to be able to be reimbursed for the clean-up now and then come back for reimbursement on the carpeting.

**Mr. Fifer** stated that Mr. Gibson's memo was about trying to prevent these types of things happening. They would prefer to pay it all out at once and have the claimant sign a release.

**There was a lengthy discussion as to how to help the Bilbery's with their situation.**

**Mayor Garner** asked if the Bilberys filed this with there insurance company.

**Mr. Sartell** stated that he was not sure.

**Mr. Fifer** stated that he needs to get a letter from an insurance company either showing what they have paid on this or why they denied payment and a quote not to exceed on the carpet.

**Mr. Sartell** stated that he would get with Shane Gibson and the Bilbery's on this.

**2. Elmer and Mary Hubbert**, sewage was blown into their basement while EMC was performing maintenance on the line and would like to be reimbursed for their cleaning expenses of \$372.29

**Mr. Seabrook moved to approve, Mr. Solomon second, all voted in favor.**

**Item #4 - Dan Evancsyk, Silver Heights Camp, re: kitchen facility**

**Mr. Evancsyk** addressed the board regarding the Silver Heights Camp and requested 25 temporary hook-ups for RVS for the works that will be volunteering their services to build their new facilities. He stated that they are looking for suggestions from this board on how to get this going.

**Mr. Seabrook** stated that he has been approached and he was wondering if there is anyway to put in a holding tank that can be pumped on a regular basis.

**Brian Dixon** stated that there is an existing restroom there and he stated that they can tie into the existing sanitary sewer for the temporary RV's.

**Mr. Evancsyk** asked if they could get a permit to begin building.

**Mr. Fifer** stated that they can sign a waiver stating that they understand the risk that they may not have the credits needed to hook onto the line when the building is finished.

**Mr. Evancsyk** stated that they do not have a problem with that and will get a letter prepared to that effect.

**Chris Lotz**, reminded them they will need to have a grease trap for the kitchen.

**Brian Dixon** asked that he have Mr. Baldwin contact him regarding the temporary line for the RV's.

**Mr. Fifer** presented letters from IDEM regarding two projects that have appeared here before for McDonald's and Thornton's that states that these projects will not need any sewer credits because they are merely replacing the existing buildings. He also presented a letter to Tina Haley from Koetter for a project for Providence Retirement Center that is in the same situation as these two projects and asked her to help them get through IDEM.

**Mayor Garner** presented a memo from IN-AWC for missed late fees in the total of \$203,822.46 that they are willing to pay to the city and not go back on the customers. He stated that he needs approval from the Board to accept this check.

**Mr. Seabrook moved to accept the check, Mr. Kochert second, all voted in favor.**

**EMC REPORT:**

**Mr. Sartell** reported that the new flow meters have been installed at basin 4 and cyberlocks have been installed on the lift stations. Also, the paint is peeling off of one of the clarifiers and ADM is going to be coming out and repainting.

**Mr. Fifer** stated that he and the Mayor met with the engineers to get an estimate on the amount it will cost to make repairs to Robert E. Lee lift station to eliminate overflows at the capacity level Georgetown is currently approved for and an estimate for the cost to increase the capacity. He stated that to get the work done on Robert E. Lee to eliminate overflows at the current capacity and to get the interceptor line out of the flood plan will cost \$1.6 million. He stated that the original amount that Georgetown was to pay for their portion of the project was \$1.2 million and he believes that he will ask for that regardless of what they decide to do to help get the project started so that they can begin to eliminate overflows in this line.

**CLAIMS:**

**Rob Sartell** presented a claim for K E Environmental, for checking SSO's in the total amount of \$4181.48.

**Mr. Kochert moved to approve, Mr. Seabrook second, all voted in favor.**

**Brian Dixon** informed the board that he received the corrected invoices from Clark Deitz. However, he has learned that the portion for Donahues work that was authorized by the board to be paid in the past was never paid and he just wanted their authorization to pay the invoices he has received in full.

**Mr. Solomon made a motion to accept the readjusted amounts., Mr. Seabrook second, all voted in favor.**

**Mrs. Welsh** asked how many years they can go back to reimburse Janus Partners for their repaired leak.

**Mr. Fifer** said that they can only go back two years from the date they made the Board aware of the problem.

**Mrs. Welsh** stated that she would crunch some numbers and bring it back to the board at the next meeting.

**Mr. Fifer** stated on the Providence issue he would like the board to make a motion to approve this project subject to IDEM approval.

**Mr. Seabrook moved to approve, Mr. Kochert second, all voted in favor.**

**ADJOURNMENT:**

There being no further business before the Sewer Board, the meeting adjourned at 4:57 p.m.

Respectfully submitted,

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Mayor James Garner, Chairman

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Marcey Wisman, City Clerk